

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

LEWIS K. JAMES,

Defendant.

Case No. CR19-214RSL

ORDER GRANTING
STIPULATED MOTION TO
CONTINUE TRIAL DATE
AND PRE-TRIAL MOTIONS
DUE DATE

This matter comes before the Court on the parties' "Stipulation to Continue Trial Date and Pre-trial Motions Due Date." Dkt. # 50. Having considered the facts set forth in the motion, and defendant's knowing and voluntary waiver, Dkt. # 49, the Court finds as follows:

1. The Court adopts the facts set forth in the stipulated motion: specifically, that the defense investigation is not yet complete, that it is accordingly not feasible for defense counsel to complete the necessary pretrial filings and to be completely prepared for trial on the current trial date, that defense counsel has two criminal jury trials in state court set for the week of August 2, 2021, which he needs to prepare for, and that the defense and the government have not concluded plea negotiations. Dkt. # 50. The Court accordingly finds that a failure to grant a continuance would deny counsel, and any potential future counsel, the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

2. The Court finds that a failure to continue the trial date in this case would likely result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).

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5. Defendant has executed a waiver indicating that he has been advised of his right to a speedy trial and that, after consulting with counsel, he has knowingly and voluntarily waived that right and consented to the continuation of his trial to a date up to and including January 31, 2022, Dkt. # 49, which will permit his trial to start on November 15, 2021.

IT IS FURTHER ORDERED that the period of time from the current trial date of August 9, 2021, up to and including the new trial date, shall be excludable time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161, *et seq.* The period of delay attributable to this filing and granting of this motion is excluded for speedy trial purposes pursuant to 18 U.S.C. §§ 3161(h)(1)(D), (h)(7)(A), and (h)(7)(B).

Mr S Casnik

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